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18 Attorneys for Defendant  
 19 McKesson Corporation

20 DISTRICT COURT  
 21 CLARK COUNTY, NEVADA

22 STATE OF NEVADA,

23 Plaintiff,

24 v.

25 MCKESSON CORPORATION; CARDINAL  
 26 HEALTH INC.; CARDINAL HEALTH 105,  
 27 INC.; CARDINAL HEALTH 108, LLC;  
 28 CARDINAL HEALTH 110, LLC; CARDINAL  
 HEALTH 200, LLC; CARDINAL HEALTH  
 414, LLC; CARDINAL HEALTH  
 PHARMACY SERVICES, LLC;  
 AMERISOURCEBERGEN DRUG  
 CORPORATION; WALGREENS BOOTS  
 ALLIANCE, INC.; WALGREEN CO;  
 WALGREEN EASTERN CO, INC.;  
 WALMART INC.; CVS PHARMACEY, INC.;  
 TEVA PHARMACEUTICALS USA; TEVA  
 PHARMACEUTICAL INDUSTRIES, LTD.;

) Case No: A-19-796755-B

) Dept. No: XI

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) NOTICE OF ENTRY OF  
 ORDER GRANTING IN  
 PART AND DENYING IN  
 PART DISTRIBUTORS'  
 JOINT MOTION TO  
 DISMISS

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**MORRIS LAW GROUP**

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1 ACTAVIS PHARMA, INC.; PURDUE )  
 2 PHARMA L.P.; PURDUE PHARMA, INC; )  
 3 PURDUE HOLDINGS, L.P.; THE PURDUE )  
 4 FREDERICK COMPANY, INC.; INC.; P.F. )  
 5 LABORATORIES, INC.; RICHARD S. )  
 6 SACKLER; JONATHAN D. SACKLER, )  
 7 MORTIMER D.A. SACKLER; KATHE A. )  
 8 SACKLER; ILENE SACKLER LEFCOURT; )  
 9 DAVID A. SACKLER; BEVERLY SACKLER; )  
 10 THERESA SACKLER; PLP ASSOCIATES )  
 11 HOLDINGS L.P.; ROSEBAY MEDICAL )  
 12 COMPANY L.P.; BEACON COMPANY; )  
 13 DOE ENTITIES 1-10; ENDO HEALTH )  
 14 SOLUTIONS INC.; ENDO )  
 15 PHARMACEUTICALS, INC.; PAR )  
 16 PHARMACEUTICAL, INC.; )  
 17 MALLINCKRODT PLC; MALLINCKRODT )  
 18 LLC; SPECGX LLC; STEVEN A. HOLPER; )  
 19 STEVEN A HOLPER MD PROFESSIONAL )  
 20 CORPORATION; HOLPER OUT-PATIENTS )  
 21 MEDICAL CENTER, LTD.; ROBERT GENE )  
 22 RAND; RAND FAMILY CARE LLC; )  
 23 DEVENDRA I. PATEL; PATEL NORTH )  
 24 EASTERN NEVADA CARDIOLOGY PC; )  
 25 HORACE PAUL GUERRA IV; ALEJANDRO )  
 26 JIMINEZ INCERA; ROBERT D. HARVEY; )  
 27 INCERA-IUVENTUS MEDICAL GROUP PC;) )  
 28 INCERA LLC )

Defendants. )

20 PLEASE TAKE NOTICE that the Order Granting In Part and  
 21 Denying In Part Distributors' Joint Motion to Dismiss was entered on the 8th  
 22 day of January 2020, a true and correct copy of the same is attached hereto.  
 23

24 MORRIS LAW GROUP

25 By: /s/ ROSA SOLIS-RAINEY

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Attorneys for Defendant  
McKesson Corporation

## CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b)(2)(D) and E.D.C.R. 8.05, I certify that I am an employee of MORRIS LAW GROUP and that on the date below, I caused the following document: **NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART DISTRIBUTORS' JOINT MOTION TO DISMISS** to be served via the Court's Odyssey E-Filing System. The date and time of the electronic proof of service is in place of the date and place of deposit in the mail.

<p>AARON D. FORD Attorney General ERNEST FIGUEROA Consumer Advocate MARK J. KRUEGER Chief Deputy Attorney General <b>State of Nevada, Office of the Attorney General, Bureau of Consumer Protection</b> 100 North Carson Street Carson City, Nevada 89701-4717 <a href="mailto:mkrueger@ag.nv.gov">mkrueger@ag.nv.gov</a></p> <p>MIKE PAPANTONIO TROY RAFFERTY PETER MOUGEY LAURA DUNNING NED MCWILLIAMS BRANDON BOGLE JEFF GADDY <i>(Pro Hac Vice Pending)</i> <b>LEVIN PAPANTONIO LAW FIRM</b> 316 S. Bavlen Street, Suite 400 Pensacola, Florida 32502 <a href="mailto:mpapantonio@levinlaw.com">mpapantonio@levinlaw.com</a></p> <p>ROLAND TELLIS <i>(Pro Hac Vice Pending)</i> <b>BARON &amp; BUDD</b> 3102 Oak Lawn Avenue, #1100 Dallas, Texas 75219</p>	<p>PAT LUNDVALL AMANDA C. YEN MCDONALD CARNAO LLP 2300 W. SAHARA AVE, SUITE 1200 LAS VEGAS, NEVADA 89102 <a href="mailto:lundvall@mcdonaldcarano.com">lundvall@mcdonaldcarano.com</a> <a href="mailto:ayen@mcdonaldcarano.com">ayen@mcdonaldcarano.com</a></p> <p>JOHN D. LOMBARDO <i>(pro hac vice forthcoming)</i> JAKE R. MILLER <i>(pro hac vice forthcoming)</i> ARNOLD &amp; PORTER KAYE SCHOLER LLP 777 South Figueroa St, 44th Floor Los Angeles, CA 90017-5844 <a href="mailto:John.lombardo@arnoldporter.com">John.lombardo@arnoldporter.com</a> <a href="mailto:jake.miller@arnoldporter.com">jake.miller@arnoldporter.com</a></p> <p><i>Attorneys for Defendants Endo Health Solutions Inc., Endo Pharmaceuticals Inc., and Par Pharmaceutical, Inc.</i></p>
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and Beacon Company*

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DATED this 8th day of January 2020.

By: /s/ Patricia A. Quinn  
An Employee of Morris Law Group



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11 Attorneys for Defendant

12 McKesson Corporation

13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 STATE OF NEVADA,

16 Plaintiff,

17 v.

18 MCKESSON CORPORATION; CARDINAL  
 19 HEALTH INC.; CARDINAL HEALTH 105,  
 20 INC.; CARDINAL HEALTH 108, LLC;  
 21 CARDINAL HEALTH 110, LLC; CARDINAL  
 22 HEALTH 200, LLC; CARDINAL HEALTH  
 23 414, LLC; CARDINAL HEALTH PHARMACY  
 24 SERVICES, LLC; AMERISOURCEBERGEN  
 25 DRUG CORPORATION; WALGREENS  
 26 BOOTS ALLIANCE, INC.; WALGREEN CO.;  
 27 WALGREEN EASTERN CO., INC.;  
 28 WALMART INC.; CVS HEALTH  
 CORPORATION; CVS PHARAMCEY, INC.;  
 TEVA PHARMACEUTICALS USA,; TEVA  
 PHARMACEUTICAL INDUSTRIES, LTD.;  
 ACTAVIS PHARMA, INC; PURDUE  
 PHARMA L.P.; PURDUE PHARMA, INC.;  
 PURDUE HOLDINGS, L.P.; THE PURDUE  
 FREDERICK COMPANY, INC.; INC.; P.F.  
 LABORATORIES, INC.; RICHARD S.  
 SACKLER; JONATHAN D. SACKLER  
 MORTIMER D.A. SACKLER; KATHE A.  
 SACKLER; ILENE SACKLER LEFCOURT;  
 DAVID A. SACKLER; BEVERLY SACKLER;

Case No.: A-1 9-796755-B

Dept. No.: XI

**ORDER GRANTING IN  
 PART AND DENYING IN  
 PART DISTRIBUTORS'  
 JOINT MOTION TO DISMISS**

MORRIS LAW GROUP

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1 THERESA SACKLER; PLP ASSOCIATES  
2 HOLDINGS L.P.; ROSEBAY MEDICAL  
3 COMPANY L.P.; BEACON COMPANY; DOE  
4 ENTITIES 1-10; ENDO HEALTH SOLUTIONS  
5 INC.; ENDO PHARMACEUTICALS, INC.;  
6 PAR PHARMACEUTICAL, INC.;  
7 MALLINCKRODT PLC; MALLINCKRODT  
8 LLC; SPECGX LLC; STEVEN A. HOLPER;  
9 STEVEN A HOLPER MD PROFESSIONAL  
10 CORPORATION; HOLPER OUTPATIENTS  
11 MEDICAL CENTER, LTD.; ROBERT GENE  
12 RAND; RAND FAMILY CARE LLC;  
13 DEVENDRA I. PATEL; PATEL NORTH  
14 EASTERN NEVADA CARDIOLOGY PC;  
15 HORACE PAUL GUERRA IV; ALEJANDRO  
16 JIMINEZ INCERA; ROBERT D. HARVEY;  
17 INCERA-IUVENTUS MEDICAL GROUP PC;  
18 INCERA LLC;

19 Defendants.

20 This matter came on for hearing on Distributors' Joint Motion to  
21 Dismiss on December 2, 2019. Robert T. Eglet, Esq., Robert Adams, Esq., Mike  
22 Papantonio, Esq., and Mark Krueger, Esq. appeared on behalf of Plaintiff.  
23 Appearing on behalf of the Distributor Defendants were Steven Boranian, Esq.  
24 and Jarrod Rickard, Esq. for AmerisourceBergen Drug Corporation, Dan  
25 Polsenberg, Esq. on behalf of the Cardinal Health Defendants, and Rosa Solis-  
26 Rainey, Esq. on behalf of McKesson Corporation.

27 The Court having read and reviewed the pleadings and papers on file  
28 therein and considered the representation of counsel present at the hearing, the  
subsequent agreement of counsel, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
above-referenced Distributor Defendants' Joint Motion to Dismiss is granted in  
part and denied in part, as detailed below for each cause of action:

1. Public Nuisance – DENIED



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2. Violation of Nevada Deceptive Trade Practices – DENIED
3. Violation of the Nevada Racketeering Act (NRS §§ 207.350 to 207.520) – DENIED
4. Violation of the Nevada False Claims act – THE COURT FINDS THAT THE ALLEGATIONS ARE INSUFFICIENT AT THIS TIME AND ORDERS PLAINTIFF TO CONDUCT DISCOVERY PURSUANT TO *ROCKER V. KPMG, LLP*, 148 P.3D 703 (NEV. 2006) AND TO AMEND THE CAUSE OF ACTION UPON CONCLUSION OF THE *ROCKER* DISCOVERY.
5. Negligence – DENIED
6. Negligence Per Se – DENIED
7. Punitive Damages - GRANTED *as a separate cause of action.*

The Distributor Defendants shall each file their respective answers on or before January 13, 2020.<sup>1</sup>

DATED this 3 day of January, 2020.

*[Signature]*  
DISTRICT COURT JUDGE  
*[Signature]* (CEH)

Submitted By:

MORRIS LAW GROUP

By: *[Signature]*  
Steve Morris, Bar No. 1543  
Rosa Solis-Rainey, Bar No. 7921  
411 E. Bonneville Ave., Ste. 360  
Las Vegas, Nevada 89101

Attorneys for Defendant  
McKesson Corporation

<sup>1</sup> Due to the holidays and with the understanding that *Rocker* discovery can take place before the answers are filed.